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REMARKS

The Office Action mailed September 25, 2006, has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Status

Claims 1 – 17 are pending in the subject application. By this Amendment, Claim 1 has been amended. Claim 17 has been cancelled. Consequently, the claims under consideration are believed to include Claims 1 – 8 and 10 – 16.

Claim Rejections Under §102

Claim 17 stands rejected under 35 U.S.C. 102(b) as being anticipated by Loeffler et al., (U.S. Patent 6,437,068). Claim 17 has been cancelled, therefore this rejection is moot.

Claim Rejections Under §102/§103

Claims 1 – 8 and 10 – 16 stand rejected under 35 U.S.C. §102(b)/103(a) as being anticipated by Loeffler et al., (U.S. Patent 6,437,068). This rejection is respectfully traversed.

The Office previously states, "Therefore, in view of substantially identical method of free radical polymerization between Loffler (sic) and instant claims, and it is used the same initiators, crosslinkers, emulsifiers, solvents (tert-butanol), temperatures, duration, etc. as instantly claimed, and comprises the identical chemical ingredients, as discussed above, and it is used for the same purposes for cosmetic, pharmaceutical, and dermatological oil-in-water emulsion compositions, it is the examiner position that Loffler's (sic) process does not necessarily different from the claimed process".

Applicants respectfully can not agree. It is fundamental that all elements of a claim must be found united in the same way to perform the identical function for a

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reference to establish anticipation under §102/§103. Anticipation requires the same elements to be found in a single prior art reference.

Claim 1 is directed to the process for preparation of concentrates in liquid or liquid-disperse form. In stark contrast, Loeffler et al., (U.S. Patent 6,437,068) is directed to a water-soluble or water swellable crosslinked copolymer. That is, the prior art does not teach, disclose or suggest element B), "adding a higher-boiling solvent, or solvent mixture, one or more emulsifiers and mixtures thereof to the mixture of polymer and polymerization medium, where the boiling point of the higher-boiling solvent or solvent mixture is at least 10°C higher than that of the polymerization medium used for the polymerization," of amended Claim 1. Furthermore, the prior art does not provide the motivation, necessary for an obviousness rejection under 103(a), to modify Loeffler, et al. in a manner as proffered by the Office.

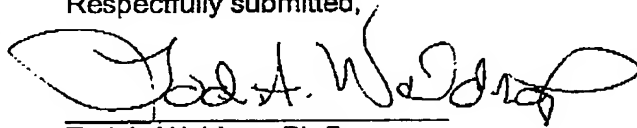
Therefore, the rejection of Claim 1, under 35 U.S.C. §102(b)/§103(a) as being anticipated by Loeffler, et al. (U.S. Patent 6,437,068) is courteously traversed and Applicants respectfully request the rejection of Claims 1 – 8, and 10 – 16 under 35 U.S.C. §102(b)/§103(a) as being anticipated by Loeffler et al. (U.S. Patent 6,437,068) be withdrawn for at least the reasons given.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

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In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the agent for Applicant at the telephone number provided below.

Respectfully submitted,



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